

REMARKS

Claims 1 and 3-19 are pending and rejected in this application. Claims 1, 3-6 and 10 are amended hereby.

Responsive to the Examiner's rejection of claims 3-7, Applicants have amended claims 3-6, thereby amending claims 3-6 to depend from claim 1. Accordingly, Applicants submit that claims 3-7 are now in allowable form.

Responsive to the rejection of claims 1, 3-5 and 10-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,934,005 (Utsuno et al.), Applicants have amended claims 1 and 10, and submit that claims 1, 3-5 and 10-13 are now in condition for allowance.

Utsuno, et al. disclose a pass-through fishing rod (Figs. 1-4) including line support 42 housed in cylindrical section 40, which is formed like a ring by forming, on the front surface of a block body, a small diameter hole 50 and constructing a tapered line guide surface 52 that gradually widens rearwardly from the opening of small diameter hole 50 as shown in Fig. 2. Line support 42 is loaded into through hole 46 of cylindrical section 40. Retainers 60 retain line support 42 and are installed in front of internal body 30. Line support 42 is a long spiral 62 along the shaft center of the rod and the lower inner surface of spiral 62 is used as a line support section 50 for substantially supporting a line (column 5, line 48 through column 6, line 15).

In contrast, claim 1, as amended, recites in part, "a fish pole having a plurality of fishing line guides mounted to an exterior surface of said fish pole" (Emphases added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Utsuno et al. or any of the other cited references, alone or in combination, and include distinct advantages thereover.

Utsuno et al. discloses a pass-through fishing rod with a line support 42 that is a long spiral 62 along the shaft center of the fishing rod. However, Utsuno et al. and any of the other

cited references, alone or in combination, fail to disclose, teach or suggest a fish pole having a plurality of fishing line guides mounted to an exterior surface of the fish pole and an elongated tube disposed between at least two of the plurality of fishing line guides, as recited in claim 1.

An advantage of Applicants' invention is that the fishing pole includes a flexible exterior containment apparatus through which the fishing line travels in a tangle free manner. Another advantage of Applicants' invention is that the elongated tube can extend through several fishing line guides, thereby extending its tangle free feature. Accordingly, Applicants submit that claim 1 and claims 3-5 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 10, as amended recites in part:

An enhancement kit for a fishing pole with line guides mounted exterior to the fishing pole including an elongated tube configured to be disposed through an opening in each of at least two fishing line guides.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Utsuno et al. or any of the other cited references, alone or in combination include distinct advantages thereover.

Utsuno et al. discloses a pass-through fishing rod with a line support 42 being a long spiral 62 along the shaft center of the fishing rod. However, Utsuno et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest an enhancement kit for a fishing pole with line guides mounted exterior to the fishing pole including an elongated tube configured to be disposed through an opening in each of at least two fishing line guides, as recited in claim 10.

An advantage of Applicants' invention is that the fishing pole includes a flexible exterior containment apparatus through which the fishing line travels in a tangle free manner. Another

advantage of Applicants' invention is that the elongated tube can extend through several fishing line guides, thereby extending its tangle free feature. Accordingly, Applicants submit that claim 10 and claims 12-13 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claims 9 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Utsuno et al. However, claim 9 depends from claim 1, and claim 17 depends from claim 10, and claims 1 and 10 are in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 9 and 17 are now in condition for allowance, which is hereby respectfully requested.

Claims 6, 7, 14 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Utsuno et al. and in further view of U.S. Patent No. 4,702,031 (Sousa). However, claims 6 and 7 depend from claim 1 and claims 14 and 15 depend from claim 10, and claims 1 and 10 have been placed in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 6, 7, 14 and 15 are now in condition for allowance, which is hereby respectfully requested.

Claims 8 and 16 have been rejected as being unpatentable under 35 U.S.C. § 103(a) over Utsuno et al. and in further view of U.S. Patent 4,212,126 (Barnett). However, claim 8 depends from claim 1 and claim 16 depends from claim 10, and claims 1 and 10 have been placed in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 8 and 16 are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claim 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,652,654 (Bahn), Applicants respectfully traverse the rejection and submit that claim 18 is in condition for allowance.

Bahn discloses a fishing rod tip (Figs. 1-5) that includes a hollow socket member 2 into which fishing rod 1 is extended or fit. Pin 3 is used to secure hollow socket member 2 to fishing rod 1. The invention is positioned on an end of fishing rod 1 that is remote from a reel and reel seat (not shown). Mounting member 6 has a lower ring 7 and an upper ring 8 for fixed installation to hollow socket member 2 and for axially rotatable mounting of tubular line guide 9. Annual ribs or flanges 10 hold line guide 9 in its desired longitudinal position in mountings 4 and 8. Annual ribs or flanges 10 may be soldered or sweated in place on tube 9 (column 2, lines 15-51).

In contrast, claim 18, recites in part:

positioning flexible tubing between at least two of said plurality of fishing line guides; and

installing two captivating devices, one said captivating device at each of two ends of said flexible tubing.

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip that includes a hollow socket member 2 into which fishing rod 1 is extended or fit. Pin 3 is used to secure hollow socket member 2 to fishing rod 1. However, Bahn, alone or in combination with any other cited reference, fails to disclose, teach or suggest positioning flexible tubing between at least two fishing line guides and installing two captivating devices, one captivating device at each of two ends of the flexible tubing, as recited in part in claim 18. Bahn is attached to a fishing rod that has not had a fishing line guide placed on the end thereof or on a fishing rod from which an end fishing line guide has been removed. Bahn does not teach a hollow tube having captivating devices which are detachably connected thereto.

Rather, the hollow tube of Bahn is soldered in place. The Examiner posits that the elements 17 and 21 could be employed at each end of tube 9, however to place a pivotal arm 17 and a tube 21 at the other end of Bahn's invention would make Bahn's invention unworkable in that casting of the fishing rod would cause the added pivotal arm 17 to pivot in a direction consistent with the centrifugal force of a casting motion thereby inhibiting the movement of the fishing line.

Contrary to the Examiner's assertion, an arm 17 connected to the other end of tube 9 in a pivotal manner would pivot, due to centrifugal force during a cast, in a manner that would cause the line to bind, thereby causing the Examiner's proposed modified invention to be inoperative. A casting motion in a generally sweeping manner would cause pivotal arm 17 to rotate toward line guide 4 during a casting operation. Presuming that the Examiner intended for the line to traverse through tube 21, the casting motion would cause line 14 to initially extend toward line guide 4 then reverse direction to enter tube 21 passing through tube 21 and reversing direction again to inner tube 9 thereby increasing the frictional contact between line 14 due to the travel of line 14 in an S-shaped manner through the Examiner's proposed modified invention. As such, Applicants respectfully disagree with the Examiner's modification and the use of the modified invention to reject claim 18.

Applicants invention has distinct advantages in that the elongated tube is affixed to line guides that exist on a fishing rod, rather than requiring the removal of a fishing line guide. Another advantage of Applicants invention is that the elongated tube can extend through several fishing line guides, thereby extending its tangle free feature. Accordingly, Applicants submit that claim 18 is in condition for allowance, which is hereby respectfully requested.

Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bahn in further view of Barnett. However, claim 19 depends from claim 18, and claim 18 is in condition

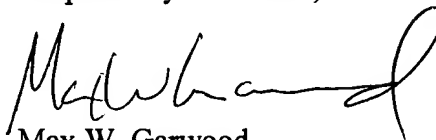
for allowance for the reasons given above. Accordingly, Applicants submit that claim 19 is in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that the pending claims are definite and do particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Moreover, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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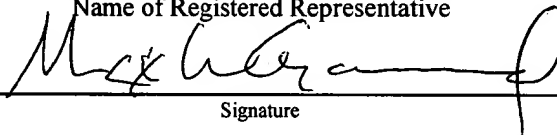
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: July 25, 2003.

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Date